

“Functional Right of Way Width” or “FROWW” shall mean that portion of the former railroad right-of-way width ~~actually~~ used to support ~~physically~~ a rail line as evidenced by the visible, existing portions of the rail bed or embankment or the lateral extent of visually identifiable ballast. In addition, for purposes of work to be performed under this Consent Decree and attached Statement of Work, the FROWW must be accessible by humans and therefore represents an area of probable exposure through direct contact with Mine Waste. Except for specific locations that are identified on the RAD Drawings within Gem, Black Bear, Burke, and Yellow Dog where it is determined that human exposure is reasonably anticipated to occur notwithstanding the physical boundary limitations below, the FROWW generally will not include nor extend beyond the following physical boundary limitations:

- a steep (generally steeper than 2H:1V) slope, cut or hillside;
- a water body;
- dense wooded or hostile vegetation;
- bedrock at the surface;
- surface material that is predominantly rock particles greater than 6 inches in diameter;
- a paved road (exclusive of road shoulders or unpaved roads);
- railroad embankment slopes, on the river or creek side, from the top of slope down to the edge of the water;
- areas that are seasonally submerged;
- areas covered with vegetation that is sufficiently dense to preclude easy access to the area; and/or
- other limitations approved by EPA.